

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G)

Application 02-12-027
(Filed December 20, 2002)

Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M)

Application 02-12-028
(Filed December 20, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON
MOTION OF SOUTHERN CALIFORNIA GAS COMPANY AND
SAN DIEGO GAS & ELECTRIC COMPANY
FOR CONSOLIDATION OF APPLICATIONS
AND
MOTIONS OF SOUTHERN CALIFORNIA GAS COMPANY AND
SAN DIEGO GAS & ELECTRIC COMPANY
FOR PROTECTIVE ORDERS AND TO
FILE CONFIDENTIAL DOCUMENTS UNDER SEAL
AND
PREHEARING CONFERENCE STATEMENTS AND SCHEDULING**

Summary

This Ruling consolidates Applications 02-12-027 and 02-12-028; grants the Motions for Protective Orders and related filing of two documents under seal; and schedules a Prehearing Conference for February 7, 2003, at 10:00 a.m. at the Commission's headquarters in San Francisco, CA, and also requires written Prehearing Conference statements.

Consolidation

Pursuant to Rule 55 of the Commission's Rules of Practice and Procedure,¹ this Ruling grants the Motion for Consolidation of Applications 02-12-027 and 02-12-028 for Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).

Background

SoCalGas and SDG&E, pursuant to Rules 45 and 55 of the Commission's Rules of Practice and Procedure, filed a joint motion for consolidation of the separate applications to revise their base rate revenue requirements. This motion was filed concurrently with SoCalGas' Application (A.) 02-12-027 and SDG&E's A.02-12-028 on December 20, 2002.

SoCalGas and SDG&E filed individual applications seeking to revise their base rate revenue requirements effective January 1, 2004, and to seek authority to establish a formula to adjust the revenue requirement for 2005 through 2008. The applications do not propose joint rates or a single common revenue requirement,² so the applicants correctly did not file a joint application.

Rule 55 provides that proceedings involving related questions of law or fact may be consolidated. The present applications present many closely related questions of law and fact. The two utilities share certain services provided by

¹ All references to Rules are to the Commission's Rules of Practice and Procedure found in Title 20 of the California Code of Regulations.

² Nothing in the two applications addresses the rate design adopted by the Commission in Decision (D.) 00-04-060 that provides for an identical rate by each company for gas transportation service to electric generators.

their parent company, Sempra Energy; both utilities are proposing similar base rate ratemaking frameworks, with differences generally only because SDG&E offers both gas and electric service while SoCalGas offers only gas service; and a considerable number of applicants' witnesses are the same for the two applications. Thus, consolidation would promote efficiency and avoidance of conflicts in the scheduling of testimony.

The Commission has previously indicated its intent to process these two applications together. In D.01-05-078, the Commission authorized a change in the scheduled deadline for SoCalGas to file the instant application from June 29, 2001, to December 21, 2001, which was then the deadline for SDG&E to file the instant application. One of the reasons for approving this change was the administrative efficiency of having the two applications processed on the same schedule. Subsequently in D.01-10-030, the Commission extended the deadline for both of the applications by a year, while still requiring them to be filed simultaneously.

Protective Order

This Ruling grants the Motions of SoCalGas and SDG&E for a Protective Order and to file confidential documents under seal and it will govern access to confidential and proprietary computer models and use of other protected material. Attached to this Ruling are (a) a Protective Order and (b) a Non-Disclosure Certificate.

Background

SoCalGas and SDG&E, pursuant to Rules 45 filed separate motions for a Protective Order and to file confidential documents under seal. Access to these materials by the Office of Ratepayer Advocates (ORA) or other Commission staff would be pursuant to § 583 and General Order 66-C (G.O. 66-C). Both

companies assert that its proposed Protective Order is consistent with protective orders granted in other proceedings of a similar magnitude, where substantial discovery is expected and it is important to impose an orderly process on the discovery of confidential and proprietary documents to facilitate the Commission's and parties' full and timely review of an application.³

Confidential Documents Filed Under Seal

This Ruling grants the Motions of SoCalGas and SDG&E to file two of four documents under seal: (1) the results of operations (R/O) Model, but not the data, and (2) the User Reference Manual for the R/O Model. This ruling denies the Motions for two other documents: (3) the Customer Satisfaction Surveys and (4) the Overhead Rate Workpapers" for utility shared services and corporate shared services.

Background

R/O Model and User Guide

SoCalGas and SDG&E both assert that they developed their R/O computer model at significant time and expense and consider the model, but not the data therein, to be confidential and proprietary pursuant to Rule 74.7.⁴ They both

³ See, e.g., the July 3, 2002 Administrative Law Judge's Ruling Adopting Protective Order in The Utilities' GRC proceeding (A.02-05-004/I.02-06-002); the May 1, 2002 Administrative Law Judge's Ruling Re Revised Protective Order in the generation procurement rulemaking (R.01-10-024); and an Administrative Law Judge's January 31, 1997 Order Adopting Nondisclosure and Protective Agreement in the Pacific Enterprises/Enova merger case (A.96-10-038): "This order is made in the interest of facilitating prompt discovery, protecting and preserving the rights of parties, and avoiding unnecessary law and motion practice."

⁴ Commission Rule 74.7 states that "Each sponsoring party who objects to providing access to any computer model, data base, or other information which is used in a

Footnote continued on next page

propose to provide access to the model and its associated User Reference Guide⁵ to ORA pursuant to Pub. Util. Code § 583 and G.O. 66-C. In order to facilitate other parties' review of these two applications, they request that the R/O models and User Reference Guides be included within the scope of their proposed Protective Order, as was the case in the protective order granted in Southern California Edison's (SCE) general rate proceeding.⁶ Granting this request to protect their work-product makes it incumbent on SoCalGas and SDG&E to facilitate parties' access and granting this protection should not in any way unduly slow or hinder the proceeding.

Customer Satisfaction Surveys

Both companies use two surveys in support of their applications that were developed utilizing the consulting services of unaffiliated research firms. They assert that the purpose was to develop a comprehensive and methodologically sound approach to measure customer satisfaction. SoCalGas and SDG&E

computer model pursuant to this article, on the grounds that the requested material is confidential, proprietary, or subject to a licensing agreement, shall file a motion for a protective order."

⁵ Copies of the User Reference Guides were filed under seal with their two motions. The cover page of the SoCalGas document placed under seal is titled "Workpapers of Deborah Yee – Summary of Earnings – Southern California Gas Company – 2004 Cost of Service – Confidential Information Pursuant to PUC Code Section 583 & General Order 66-C – December 20, 2002." The cover page of the SDG&E document placed under seal is titled "Workpapers of Deborah Yee – Summary of Earnings – San Diego Gas & Electric Company – 2004 Cost of Service – Confidential Information Pursuant to PUC Code Section 583 & General Order 66-C – December 20, 2002."

⁶ July 3, 2002 Protective Order in A.02-05-004/I.02-06-002 (at p. 1): "This Protective Order shall also govern access to The Utilities' Results of Operation model, which was used to develop SCE's revenue requirement in this proceeding."

consider these surveys to constitute trade secret and proprietary information.⁷ The surveys are integral to the proceeding and therefore must be available to all parties if SoCalGas and SDG&E expect to rely on them.

The surveys may not be sealed.

Overhead Rate Workpapers

Both SoCalGas and SDG&E submitted workpapers supporting the calculation and individual components of the composite overhead rates mentioned in their testimony to ORA pursuant to the confidentiality provisions of § 583 and G.O. 66-C. They argue that due to the confidential, proprietary and competitive nature of the cost information contained therein, disclosure of SoCalGas' and SDG&E's overhead information would disadvantage them and their ratepayers to the extent the companies negotiate contracts for outside services that would supplement or replace services that they perform for themselves.

This claim is unusual in that the workpapers go to the very heart of the veracity and reasonableness of certain costs that SoCalGas and SDG&E seek to include in retail rates. These workpapers may not be sealed.

Protective Order and Non-Disclosure Certificate

SoCalGas and SDG&E attached draft Protective Orders and Non-Disclosure Certificates substantially similar to the Order and Certificate in effect for Southern California Edison Company's A.02-05-004 and Investigation (I.) 02-06-002. Attached to this Ruling are a Protective Order and a Non-Disclosure Certificate for the Consolidated A.02-12-027 and 02-12-028 based

⁷ See, e.g., Evidence Code Section 1060.

upon the Protective Order and a Non-Disclosure Certificate adopted by the Assigned ALJ in those proceedings. Minor additional contact information is required on the attached Non-Disclosure Certificate.

The Utilities should maintain a list of all Reviewing Representatives, as defined in the Protective Order. To enhance parties cooperation and coordination, SoCalGas and SDG&E shall make that listing available on an updated basis to ORA and all Reviewing Representatives.

Prehearing Conference Statements and Scheduling

In order to better inform the Commission on the scope of issues in dispute interested parties are requested to serve a written Prehearing Conference (PHC) Statement on the temporary service list five days prior to the first Prehearing Conference on February 7, 2003 at 10:00 a.m. SoCalGas and SDG&E filed proposed schedules with their applications. Parties should also address their reasonable suggestions for scheduling with a view to a timely decision for rates to be in place by January 1, 2004. Pursuant to Rule 49 of the Commission's Rules of Practice and Procedure, SoCalGas and SDG&E are directed to coordinate a meet and confer conference⁸ in advance of the PHC. Any party that filed a protest is to be included in the meet and confer. This meet and confer is for the purpose of identifying topics and issues for inclusion in the proceeding, discussing whether hearings will be necessary, and if so, the time required for cross examination, and a proposed procedural schedule that includes dates for the service of testimony and hearings.

⁸ This meet and confer may be held telephonically, by e-mail correspondence, or by any method that is acceptable to the participants.

Parties should address ways of utilizing confidential materials provided under the Protective Order in such a way so as to avoid sealing the transcript or imposing other undesirable restrictions on the public record.

Filing, Service, and Service List

There will be documents that parties will be directed to file and serve in response to rulings. These documents must be filed with the Commission's Docket Office. Please note that the Docket Office does NOT appear on the service list. If you are not familiar with the filing requirements, please review the Commission's Rules of Practice and Procedure for all of the filing requirements. These Rules can be found on the Commission's web site at www.cpuc.ca.gov.

Parties should also provide concurrent e-mail service to ALL persons on the service list, including those listed under "Information Only." Any document that is filed must also be served electronically. See *Attachment A* for Electronic Service Protocols. The temporary service list for this proceeding is *Attachment B* to this ruling. A copy of the temporary service list for this proceeding is also available on the Commission's web page. In addition, until a new service list is established at the Prehearing Conference, Parties should also serve the lists from SDG&E's prior cost of service proceeding, (A.98-01-014), its Biennial Cost Allocation proceeding (A.01-10-005), and SoCalGas' prior cost of service proceeding, (A.95-06-002) and its Biennial Cost Allocation proceeding (A.01-09-024).

Prepared testimony is served on the service list but is not filed with the Docket Office. Therefore, if you choose to submit testimony, you need only follow the electronic service requirements described above, but not the filing requirements.

IT IS RULED that:

1. The motion to consolidate Applications 02-12-027 and 02-12-028 for Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E), respectively, is granted pursuant to Rule 55 of the Commission's Rules of Practice and Procedure.

2. The motions for a Protective Order and related Non-disclosure Certificate are granted.

3. The requested specific documents: (1) the Results of Operations (R/O) Model and (2) the User Reference Manual for the R/O Model are sealed.

4. The requested specific documents: (3) the Customer Satisfaction Surveys and (4) the "Overhead Rate Workpapers" only for utility shared services and corporate shared services are not sealed.

5. The protective order attached hereto is available to and binding on all parties to this consolidated proceeding.

6. SoCalGas and SDG&E shall maintain an updated list of Reviewing Representatives that shall be made available to the Office of Ratepayer Advocates and all Reviewing Representatives.

7. The official service list is attached to this ruling. Parties shall file and serve all documents as set forth in this ruling.

8. A prehearing conference is scheduled for February 7, 2003.

Dated January 22, 2003, at San Francisco, California.

/s/ DOUGLAS LONG

Douglas Long
Administrative Law Judge

ATTACHMENT A

Page 1

ELECTRONIC SERVICE PROTOCOLS

Party Status in Commission Proceedings

These electronic service protocols are applicable to all “appearances.” In accordance with Commission practice, by entering an appearance at a prehearing conference or by other appropriate means, an interested party or protestant gains “party” status. A party to a Commission proceeding has certain rights that non-parties (those in “state service” and “information only” service categories) do not have. For example, a party has the right to participate in evidentiary hearings, file comments on a proposed decision, and appeal a final decision. A party also has the ability to consent to waive or reduce a comment period, and to challenge the assignment of an Administrative Law Judge (ALJ). Non-parties do not have these rights, even though they are included on the service list for the proceeding and receive copies of some or all documents.

Service of Documents by Electronic Mail

For the purposes of this proceeding, all appearances shall serve documents by electronic mail, and in turn, shall accept service by electronic mail.

Usual Commission practice requires appearances to serve documents not only on all other appearances but also on all non-parties in the state service category of the service list. For the purposes of this proceeding, appearances shall serve the information only category as well since electronic service minimizes the financial burden that broader service might otherwise entail.

Notice of Availability

If a document, including attachments, exceeds 75 pages, parties may serve a Notice of Availability in lieu of all or part of the document, in accordance with Rule 2.3(c) of the Commission’s Rules of Practice and Procedure.

Filing of Documents

These electronic service protocols govern service of documents only, and do not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, *et seq.*, of the Commission’s Rules of Practice and Procedure. Moreover, all filings shall be served in hard copy (as well as e-mail) on the assigned ALJ.

ATTACHMENT A

Page 2

ELECTRONIC SERVICE PROTOCOLS

Electronic Service Standards

As an aid to review of documents served electronically, appearances should follow these procedures:

- Merge into a single electronic file the entire document to be served (e.g. title page, table of contents, text, attachments, service list).
- Attach the document file to an electronic note.
- In the subject line of the note, identify the proceeding number; the party sending the document; and the abbreviated title of the document.
- Within the body of the note, identify the word processing program used to create the document. (Commission experience indicates that most recipients can open readily documents sent in Microsoft Word or PDF formats)

If the electronic mail is returned to the sender, or the recipient informs the sender of an inability to open the document, the sender shall immediately arrange for alternative service (paper mail shall be the default, unless another means is mutually agreed upon).

Obtaining Up-to-Date Electronic Mail Addresses

The current service lists for active proceedings are available on the Commission's web page, www.cpuc.ca.gov. To obtain an up-to-date service list of e-mail addresses:

Choose "Proceedings" then "Service Lists."

- Scroll through the "Index of Service Lists" to the number for this proceeding.

ATTACHMENT A

Page 3

ELECTRONIC SERVICE PROTOCOLS

- To view and copy the electronic addresses for a service list, download the comma-delimited file, and copy the column containing the electronic addresses.

The Commission's Process Office periodically updates service lists to correct errors or to make changes at the request of parties and non-parties on the list. Appearances should copy the current service list from the web page (or obtain paper copy from the Process Office) before serving a document.

Pagination Discrepancies in Documents Served Electronically

Differences among word-processing software can cause pagination differences between documents served electronically and print outs of the original. (If documents are served electronically in PDF format, these differences do not occur.) For the purposes of reference and/or citation in cross-examination and briefing, all parties should use the pagination found in the original document.

(END OF ATTACHMENT A)

ATTACHMENT B

**SERVICE LIST
A.02-12-027, A.02-12-028**

******* APPEARANCES *******

Glen Sullivan
Attorney At Law
SEMPRA ENERGY
101 ASH STREET
SAN DIEGO CA 92101-3017
(619) 699-5027
gsullivan@sempra.com
For: Southern California Gas Company

Bruce Williams
SOUTHERN CALIFORNIA GAS COMPANY
PO BOX 1831
SAN DIEGO CA 92112
(858) 654-1780
bwilliams@semprautilities.com
For: Southern California Gas Company

******* STATE EMPLOYEE *******

Douglas M. Long
Administrative Law Judge Division
RM. 5012
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-3200
dug@cpuc.ca.gov

Maria E. Stevens
Executive Division
RM. 500
320 WEST 4TH STREET SUITE 500
Los Angeles CA 90013
(213) 576-7012
mer@cpuc.ca.gov

******* INFORMATION ONLY *******

MRW & ASSOCIATES, INC.
1999 HARRISON STREET, SUITE 1440
OAKLAND CA 94612
(510) 834-1999
mrw@mrwassoc.com

(END OF ATTACHMENT B)

A.02-12-027, A.01-12-028 DUG/tcg

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

**Application of SOUTHERN
CALIFORNIA GAS COMPANY for
authority to update its gas revenue
requirement and base rates (U 904 G)**

A. 02-12-027
Filed December 20, 2002

**Application of SAN DIEGO GAS &
ELECTRIC COMPANY for authority
to update its gas and electric revenue
requirement and base rates (U 902-M)**

A. 02-12-028
Filed December 20, 2002

**PROTECTIVE ORDER
(Issued January 22, 2003)**

1. This Protective Order shall be available to and govern the use of all Protected Materials produced by Southern California Gas Company (SoCalGas) and/or San Diego Gas & Electric Company (SDG&E), (or “the Utilities”) in this consolidated proceeding. This Protective Order shall also govern access to the Utilities’ Results of Operations model, which was used to develop the Utilities’ revenue requirements in these proceeding. This Protective Order is not applicable to the furnishing of information by the Utilities to the Commission that is governed by Public Utilities Code Section 583, nor shall it be construed in such a manner as to limit or restrict such furnishing of information. Notwithstanding any order terminating this proceeding, this Protective Order shall remain in effect until specifically modified or terminated by a Presiding Administrative Law Judge (Presiding Judge), the Law and Motion Administrative Law Judge, or the California Public Utilities Commission (Commission).
2. The Utilities may designate as protected those materials that customarily are treated by them as sensitive or proprietary, which are not available to the public, and which, if disclosed freely, would subject that Participant or its customers to risk of competitive disadvantage or other business injury.

3. Definitions - for purposes of this Order:

(a) The term "Participant" shall mean a person or entity that has entered an appearance as a party in A.02-12-027 and A.02-12-028.

(b) The term "Non-Disclosure Certificate" shall mean the certificate annexed hereto by which Participants who have been granted access to Protected Materials shall certify their understanding that such access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that such Participants have read the Protective Order and agree to be bound by it.

(c) The term "Reviewing Representative" shall mean a person who has signed a Non-Disclosure Certificate and who is:

- (1) an attorney who has made an appearance in this proceeding for a Participant;
- (2) attorney, paralegals, and other employees associated for purposes of this case with an attorney described in (2);
- (3) an expert or an employee of an expert retained by a Participant for the purpose of advising, preparing for or testifying in this proceeding;
- (4) a person designated as a Reviewing Representative by order of the Presiding Administrative Law Judge or the Commission; or
- (5) employees or other representatives of Participants appearing in this proceeding with responsibility for this docket.

Notwithstanding 3(c)(1-5) above, the Utilities have the right to refuse to provide a Participant or Reviewing Representative access to Protected Material if grounds exist such that the Participant or the Reviewing Representative could use Protective Material for commercial or improper usage. If a Participant disagrees with the Utilities' refusal to provide Protected Material, the Participant may seek resolution under the procedures set forth in Section 10(a).

4. Protected Materials shall be made available under the terms of Protective Order only to Participants and only through their Reviewing Representatives.

5. (a) Protected Materials shall remain available to Participants until the later of the date that an order terminating this proceeding becomes no longer subject to judicial review, or the date that any other Commission proceeding relating to the Protected material is concluded and no longer subject to judicial review.

(b) Within 15 calendar days of such date set forth in Section 5(a), the Participant shall return to the Utilities the Protected Materials, including notes of Protected Material, copies of filings, official transcripts and exhibits in this proceeding that contain Protected Materials, or, upon agreement by SoCalGas or SDG&E respectively, shall destroy the materials in a manner determined by the utility. Within such time period, each Participant shall also submit to the Utilities an affidavit stating that, to the best of its knowledge, all Protected Materials and documents containing Protected Materials have been returned or have been destroyed.

6. All Protected Materials shall be maintained by the Participant in a secure place. Access to the model and to those materials shall be limited to those Reviewing Representatives specifically authorized pursuant to this Protective Order.

7. (a) Protected Materials shall be treated as confidential by each Participant and by the Reviewing Representative in accordance with the certificate executed pursuant to Section 8. Protected Materials shall not be used except as necessary for the conduct of this proceeding, nor shall they be disclosed in any manner to any person except a Reviewing Representative who is engaged in the conduct of this proceeding and who needs to know the information in order to carry out that person's responsibilities in this proceeding.

(b) Reviewing Representatives may make notes of Protected Materials which shall be treated as notes of Protected Materials if they disclose the contents of Protected Materials. Reviewing Representatives may not make copies of Protected Materials unless agreed to by the appropriate utility. Any such copies become Protected Materials.

8. A Reviewing Representative shall not be permitted to inspect, participate in discussions regarding, or otherwise be permitted access to Protected Materials pursuant to this Protective Order unless Reviewing Representative has first executed a Non-Disclosure Certificate. A copy of each Non-Disclosure Certificate shall be provided to counsel for the Participant asserting confidentiality and to the Utilities prior to disclosure of any Protected Material to that Reviewing Representative.

9. Any Reviewing Representative may disclose Protected Materials to any other Reviewing Representative as long as the disclosing Reviewing Representative and receiving Reviewing Representative both have executed a Non-Disclosure Certificate. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, or is employed or retained for a position whose occupant is not qualified to be a Reviewing Representative under Paragraphs 3(c), access to Protected Materials by the person shall be terminated. Even if no longer engaged in this proceeding, every person who has executed a Non-Disclosure Certificate shall continue to be bound by the provisions of this Protective Order and the certificate.

10. (a) Subject to Section 15, the Commission, Presiding Administrative Law Judge, or Law and Motion Administrative Law Judge, as appropriate, shall resolve any disputes arising under this Protective Order. Prior to presenting any dispute under this Protective Order to the Commission, Presiding Administrative Law Judge, or Law and Motion Administrative Law Judge under Resolution ALJ-164 or the Commission's Rules of Practice and Procedure, the parties to the dispute shall meet and confer and use their best efforts to resolve the dispute.

(b) Any Participant that contests the designation of materials as protected shall notify the appropriate Utility by specifying in writing the materials whose designation is contested. This Protective Order shall continue to apply to such materials after the notification is made. The Participant may seek resolution of the dispute under the procedures set forth in Section 10(a). If the Commission, Presiding Administrative Law

Judge, or Law and Motion Administrative Law Judge finds that the materials at issue are not entitled to protection, the procedures of Section 15 shall apply.

11. All copies of all documents reflecting Protected Materials that are filed with the Commission, including the portion of the hearing testimony, exhibits, transcripts, briefs and other documents which refer to Protected Materials, shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they are sealed pursuant to this Protective Order. Such documents shall be marked "PROTECTED MATERIALS" and shall be filed with the Commission under seal and served under seal upon the Presiding judge.

If any Participant desires to include, utilize or refer to any Protected Materials or information derived there from in testimony or exhibits during the hearing in these proceedings, such Participant shall first notify both Counsel for SCE, the Commission, or the Presiding judge of such desire, identifying with particularity each of the Protected Materials. Thereafter, use of such Protected Material will be governed by procedures determined by the Commission or the Presiding Judge.

12. Nothing in this Protective Order shall be construed as precluding the Utilities from objecting to the use of Protected Materials on any legal grounds.

13. Nothing in this Protective Order shall preclude any Participant from requesting the Presiding Judge, the Commission, or the Law and Motion Administrative Law Judge or any other body having appropriate authority, to find that this Protective Order should not apply to all or any materials previously designated as Protected Materials pursuant to this Protective Order.

14. All Protected Materials filed with the Commission, the Presiding Judge, or the Law and Motion Administrative Law Judge, or any other judicial or administrative body, in support of, or as a part of, a motion, other pleading, brief, or other appropriate containers bearing prominent markings indicating that the contents include Protected Materials subject to this Protective Order.

15. If the Commission, Presiding Judge, or the Law and Motion Administrative Law Judge finds at any time in the course of this proceeding that all or part of the Protected Materials need not be protected, those materials shall, nevertheless, be subject to the protection afforded by this Protective Order for seven (7) business days from the date of the decision unless, within such period, a party files a rehearing request or an interlocutory appeal on that finding with the Commission, in which case the materials shall remain protected until seven (7) business days after the final order resolving the question of confidentiality. SoCalGas and SDG&E, and the Participants, do not waive their rights to seek additional administrative or judicial remedies after the Commission's or the Presiding Judge's or the Law and Motion Administrative Law Judge decision respecting Protected Materials or Reviewing Representatives, or the Commission's denial of an appeal or rehearing thereof.

16. SoCalGas and SDG&E do not waive the right to pursue any other legal or equitable remedies that may be available in the event of actual or anticipated disclosure of Protected Materials.

17. Contents of Protected Materials or any other form of information that copies or discloses Protected Materials shall not be disclosed to anyone other than in accordance with this Protective Order and shall be used only in connection with this proceeding. Any violation of this Protective Order and any Non-Disclosure Certificate executed hereunder shall constitute a violation of an order of the Commission.

18. For confidential information that contain extremely sensitive commercially information for which a producing Participant believes "Protected Materials" status would not provide sufficient protection, a producing Participant may designate and mark the documents "Protected Materials – Government Eyes Only" in which case the documents can only be produced and reviewed by federal or state government representative or the Staff. A Participant may therefore not refuse to produce any document, which is required by a Reviewing Representative of a federal or state

government agency and relates to the subject matter of the application, on the grounds that it is commercially sensitive information.

/s/ DOUGLAS LONG
Administrative Law Judge

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

**Application of SOUTHERN
CALIFORNIA GAS COMPANY for
authority to update its gas revenue
requirement and base rates (U 904 G)**

A. 02-12-027
Filed December 20, 2002

**Application of SAN DIEGO GAS &
ELECTRIC COMPANY for authority
to update its gas and electric revenue
requirement and base rates (U 902-M)**

A. 02-12-028
Filed December 20, 2002

NON-DISCLOSURE CERTIFICATE

(To be executed by a Reviewing Representative for access to Protected Materials)

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials, any notes or other memoranda, or any other form of information that copies or discloses Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this certificate constitutes a violation of an order of the California Public Utilities Commission.

Signature:
Printed Name
Title:
Representing:
Telephone
E-mail
Date:

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion of Southern California Gas Company and San Diego Gas & Electric Company for Consolidation of Applications and Motions of Southern California Gas Company and San Diego Gas & Electric Company for Protective Orders and to File Confidential Documents Under Seal and Prehearing Conference Statements and Scheduling on all parties of record in this proceeding and in A.98-01-014, A.01-10-005, A.95-06-002 and A.01-09-024 or their attorneys of record

Dated January 22, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074,

A.02-12-027, A.01-12-028 DUG/tcg

TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.